IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1076 OF 2003
IN
SUMMARY SUIT NO.2172 OF 2003

Sikkas Kwick Handling Service P.Ltd. .. Plaintiffs

Vs.

Elkay Chemicals P.Ltd. .. Defendants

Mr.Kamal Khata i/b Motiwala and Co. for the plaintiffs

Mr.D.J.Bhanage i/b Halai and Co. for the defendants

CORAM : S.U.KAMDAR, J
DATED : 23RD AUGUST, 2005

P.C.:

1. The present suit is filed on the invoice dated 14.7.00 towards the service rendered by the plaintiffs to the defendants and towards the BPT charges. Invoice is for Rs.1,03,040/-. It is the case of the plaintiffs that the sum of Rs.40,000/- was paid towards the part payment. However, the defendants state that the said amount was not paid towards the said bill and was paid for earlier transaction. In any event, the bill is of 14.7.00. Suit is filed on 24.6.03. Thus, the suit is in time without taking into consideration the

aforesaid part payment. The next contention raised by the defendants is that the services were rendered by the plaintiffs. He disputes the charges levied under the terms and conditions thereof. However, it is an admitted position that till the date of filing of suit, no defence has been raised by the defendants. It is clear that defence raised is bogus and without any merits. In the light of the aforesaid, it thus, is necessary that the following order be passed:

2. I direct the defendants to deposit the sum of 4 lacs within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 1 year and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection

within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.